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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOSEPH DAVID ROBERTSON, Defendant.	CR 15-07-H-DWM <u>NOTICE AND MOTION FOR</u> <u>ENFORCEMENT OF COURT</u> <u>ORDER</u>
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The United States, by and through its counsel, Bryan R. Whittaker, Assistant United States Attorney, and Eric Nelson, Special Assistant United States Attorney,

for the District of Montana, hereby notifies the Court regarding the resolution of defendant's interlocutory appeal regarding attorney fees. The government further moves the Court to issue an Order requiring the defendant to make the previously Ordered attorney fee payment.

On March 7, 2016, defendant moved (Doc. 158) for a stay of this Court's Order (Doc. 146) that he pay attorney's fees in the amount of a lump sum of \$12,000 due March 7, 2016, and \$300 per month on the first of each month. The Court granted that Motion in part staying the defendant's obligation to pay the \$12,000 lump sum payment pending the outcome of the appeal. (Doc. 160). But, the Court also ordered "Counsel for the defendant is to notify the Court within fifteen (15) days of the resolution of that appeal." (Doc. 160). Because the defendant has not provided notice to the Court within the fifteen day period, the United States hereby provides notice that the appeal has been dismissed.

On May 20, 2016, the Ninth Circuit Court of Appeals issued an Order dismissing the defendant's interlocutory appeal for lack of jurisdiction. *United States v. Robertson*, No. 16-30025, Doc. 7 (9th Cir. May 20, 2016). The Circuit Court issued the Mandate to enforce its Order on June 14, 2016. *Id.* at Doc. 8.

Because this Court only stayed Robertson's lump sum payment pending the

outcome of the appeal, and the appeal has now been resolved, this Court should issue an Order requiring the defendant to make the \$12,000 attorney fee payment forthwith.

Furthermore, the Court did not stay the Order requiring Robertson to pay \$300.00 “on or before February 1, 2016, and each subsequent payment shall be made on or before the 1st day of each month during the pendency of this case.” (Doc. 146). Robertson made an initial \$300 payment on February 1, 2016 and made a second \$300 payment on March 11, 2016, for a total payment of \$600. But Robertson has made no further monthly payments.

Counsel for the defendant has been contacted and objects to this motion.

DATED this 6th day of July, 2016.

MICHAEL W. COTTER
United States Attorney

/s/ Eric E. Nelson
Special Assistant United States Attorney

/s/ Bryan R. Whittaker
Assistant United States Attorney
Attorneys for Plaintiff